

**CITY OF NORWALK
THIRD TAXING DISTRICT
JANUARY 26, 2004**

ATTENDANCE: David L. Brown, Chairman; Stephen Feinstein; Paul S. Coggin.

STAFF: George Leary, District General Manager; Ron Scofield, District Clerk and Office Manager; Larry Dennin, Esq., District Counsel; John Stoops, District Treasurer.

OTHERS: Dennis Santella and Russell Morris, East Norwalk Improvement Association; Terry Rooney, Executive Director East Norwalk Library; members of the public.

Chairman Brown called the meeting to order at 7:05 p.m.

PUBLIC COMMENT

Mr. Rooney of the East Norwalk Library board said that some items belonging to the Third Taxing District were stored in the Library archives. Chairman Brown said that he would set up a meeting for the Commissioners to see what was there.

Mr. Santella asked if agenda item #7 could be heard in place of agenda item #2. Chairman Brown agreed.

Charles Breu, a newcomer to Norwalk, expressed concern that voting during the last budget meeting was done haphazardly; the budget passed by one vote. He did not feel comfortable that the count was accurate and asked if an alternative method could be used. He said that it was difficult to hear people speaking and asked if there could be a P.A. system or 'mike' available next time. He asked about profit margins, losses, and gifts to charity. The neighbors felt that outside sources should be used to support the Library; no more than 15% of the Library's operating budget should come from the District. Additionally, it was a conflict of interest for a Commissioner to be on the TTD board and then also vote. Chairman Brown said that Mr. Brew should speak with Mr. Leary since he is currently redefining the budget. Mr. Stoops said that revenue was flat; there had not been an increase in electric rates in 18 years. Mr. Coggin said that the cost of power is

the largest expense. Regarding Mr. Brew's statement about conflict of interest, Mr. Coggin said that the budget is approved by the electors; he would discuss this further with Mr. Brew. Mr. Feinstein said that he always abstains from the vote for this reason. The commissioners on the TTD board make up two out of 20 electors who decide the vote.

Earl Carpenter said that he took offense to Mr. Brew's accusations about the ENIA, saying that women formed it many years ago as a place for kids to play. Mr. Brew said that he believed the ENIA was a good organization, but the commissioners should not wear two hats.

**** CHAIRMAN BROWN MOVED THAT ITEM NO. 7 BE HEARD OUT OF SEQUENCE.**

**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

EAST NORWALK IMPROVEMENT ASSOCIATION BUDGET PRESENTATION

Mr. Santella prepared a master plan floor design layout for renovations at the library building based on feedback from the public. The initial repair would have been to wall shelving that had come loose and presented a safety hazard. Rather than doing piecemeal repairs, the ENIA decided to put together a master plan to address all renovations at once. Mr. Santella described the proposed floor plan in great detail. Mr. Morris presented the ENIA's proposed budget, and explained each line item in detail. Program costs of \$27,510 and capital outlays of \$99,000 should not have been included as they belong in the capital budget rather than the operating budget. Among other things, there is a proposed building maintenance and security system which addresses the neighborhood's concern about curfews. There are new programs planned and a website would be created. The District is being asked to contribute \$140,000 to cover operating costs. Chairman Brown asked Mr. Morris to speak with Mr. Scofield further on this.

Mr. Stoops commended Mr. Morris on his thorough presentation and asked him to consider a budget of \$106,000 instead of \$140,000, saying that expenses continue to increase while revenue lies flat. He felt strongly that the library should be transferred under the control of the larger Norwalk library system, so that State grants could be applied for. He asked Mr. Morris to consider this. Mr. Coggin asked why \$16,000 for building maintenance and repairs was included in the ENIA's budget when it should be a

responsibility of the District. The Commissioners discussed turning the library building over to the City for inclusion in the larger library system and issues relating to the transfer. They discussed approval of the budget and stated that the funds once approved could be spent however the ENIA saw fit, unless a donor stipulated specifically what they should be used for. Mr. Coggin said that the ENIA should be given credit for initiating the budget discussion, saying that many other non-profit organizations could do the same thing but usually don't.

**** MR. COGGIN MOVED TO ACKNOWLEDGE RECEIPT OF THE ENIA'S PROPOSED BUDGET REQUEST FOR FISCAL YEAR 2004-05 IN THE AMOUNT OF \$140,000.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. FEINSTEIN).**

NORWALK CLEAN & GREEN USE OF HOUSE AT 215 EAST AVENUE

Mr. Leary spoke about the letter he received from Clean and Green Inc. proposing usage of the District's house at 312 East Avenue. Clean and Green, the Norwalk Tree Alliance and SONICC would use the property for their various activities. Mr. Donald Nelson presented the history of the three organizations to the Board and invited the commissioners to attend the Arbor Day tree-planting event on April 30th. He was joined by Mr. David Tracy. Attorney Dennin would draft an appropriate lease, with provisions to include minor maintenance of the property and making sure the pathway to the substation was always clear. He reminded Mr. Nelson to be sure that the Third Taxing District is added to whose who signed waives of insurance liability. Chairman Brown said he thought this was a wonderful use of the house. Mr. Coggin thanked Messrs. Nelson and Tracy for their presentation.

**** MR. FEINSTEIN MOVED THAT THE THIRD TAXING DISTRICT ENTER INTO A LEASE AGREEMENT WITH THE FRIENDS OF NORWALK CLEAN AND GREEN, INC., THE NORWALK TREE ALLIANCE AND SONICC FOR A PERIOD OF ONE YEAR AT \$1.00 SUBJECT TO THE TERMS AND CONDITIONS SET BY COUNSEL AND UPON FURTHER APPROVAL OF THE COMMISSION.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

PROPOSALS IN RESPONSE TO ISO PROGRAMS

Mr. Leary said that he and Mr. Gabe Stearn were working closely on reviewing the proposals; details of who would execute the agreements were not yet finalized. Permits would need to be applied for; Mr. Stearn said that the work would not begin until at least June. He said that the City would have to maintain the generators; the District would invest the money. Mr. Leary said that the ongoing revenue stream would be against the City. The Commissioners continued their discussion of this item, i.e., the concept of zone pricing, the program hours, negotiations with the City, the cost of the program, etc.

**** MR. COGGIN MOVED THE THIRD TAXING DISTRICT TO FURTHER DEVELOPMENT OF THE BIDS SUBMITTED TO ISO NEW ENGLAND, AND FURTHER MOVED TO AUTHORIZE AN EXPENDITURE NOT TO EXCEED \$27,000 SUBJECT TO DISTRICT PURCHASING GUIDELINES AS APPLICABLE.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Chairman Brown said that items 17, 18 and 19 would be taken out of order.

REMOVAL OF TWO APPARENTLY-ABANDONED CARS IN DISTRICT LOT AT LIBRARY AT 51 VAN ZANT STREET

Mr. Rooney spoke about two cars that have been tagged and not claimed for the last three months. They should be towed; Chairman Brown said that Mr. Rooney should work this out with Mr. Leary, who would write a letter to Weiss Garage that cars with no plates should be towed away.

**** CHAIRMAN BROWN MOVED THAT WITH THE ASSISTANCE OF MR. ROONEY, WEISS GARAGE SHOULD BE CONTACTED AND ADVISED THAT AUTOMOBILES WITH NO PLATES SHOULD BE TOWED AWAY.**

**** MR. COGGIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

FENCE REPAIR AT 51 VAN ZANT STREET

Mr. Rooney said that a hole was cut in the fence and a gate installed, and customers of Teddy's Limo are using the parking lot which belongs to the District. Chairman Brown said that a while ago he agreed to allow the limo company to park one or two of their cars in the District's parking lot but it appears they have taken advantage and gone overboard. He would have a conversation with them once the weather clears.

**** MR. COGGIN MOVED THAT MR. ROONEY AND MR. LEARY PREPARE A LETTER REGARDING THE ALLEGED PARKING LOT INCIDENTS AND FORWARD IT TO THE APPROPRIATE PARTIES.**

Mr. Coggin withdrew his motion; the Commissioners agreed the content should be added to Chairman Brown's motion above.

The Commissioners entered executive session at 9:30 p.m. to discuss confidential information, trade secrets and acquisition of real property.

The Commissions re-entered public session at 10:08 p.m.

**** MR COGGIN MOVED THE THIRD TAXING DISTRICT TO PROCEED WITH PHASE I OF DEVELOPMENT FOR THE DISTRIBUTOR GENERATION PROGRAM WITH ISO NEW ENGLAND AS PRESENTED BY GEORGE LEARY AND DISCUSSED IN EXECUTIVE SESSION SUBJECT TO THE MEMORANDUM OF UNDERSTANDING AND TO THE COMMISSION'S PRIOR APPROVAL OF A SUITABLE LAND LEASE DOCUMENT.**

**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ACCOUNTING TIME TO EXPEDITE 2003 FINANCIAL STATEMENTS

2001 Audit Update / 2002 Audit Update / 2003 Audit Timetable for Completion

Mr. Leary discussed the proposal from Mr. Kim Snow, CPA and said that the 2001 and 2002 audits are substantially finished. Mr. Snow would need to spend additional time to accomplish remains to be finished regarding the 2003 audit. Mr. Snow said that the wants to begin work on the 2003 audit at the end of June so that in October, the 2004 audit can

begin and the District's financial obligations and accounting will be back on track. The Commissioners discussed Mr. Snow's contract and the parameters under which he would continue to work with the District. The discussed the limitations of the accounting office personnel and that someone at a CPA level would be an ongoing need. Chairman Brown expressed his confidence in the CPA; Mr. Coggin said that he wanted additional information.

**** CHAIRMAN BROWN MOVED TO ACCEPT MR. SNOW'S PROPOSAL IN A SUM NOT TO EXCEED \$9,600 AND TO ALLOW HIM TO FINISH WORK IN PROGRESS TO RETURN THE DISTRICT TO A SOUND FINANCIAL POSITION.**

**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. COGGIN).**

VANDERBILT LITIGATION UPDATE

Attorney Dennin said that a General Release would be received once the work has been completed. The refund will be waived and the District will relocate the transformers outside at their expense. This was approved.

**** CHAIRMAN BROWN MOVED TO TABLE ITEMS 10, 12 THROUGH 16 AND 20 THROUGH 23 TO THE COMMISSION'S FEBRUARY 9TH MEETING.**

**** MR. FEINSTEIN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

EXECUTIVE SESSION

The Commission went into executive session at 9:27 pm to discuss the ISO proposal. In attendance were Commissioners Brown, Coggin and Feinstein, Mr. Stoops, Mr. Leary, Mr. Scofield, Mr. Dennin and Mr. Stern (CMEEC). They reconvened into public session at 10:08 pm.

**** MR. FEINSTEIN MOVED TO ADJOURN.**

**** CHAIRMAN BROWN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Carol A. Wiggins for
Telesco Secretarial Services